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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,660	06/24/2002	Francesco Dassi	70101/00101	8946
30636	7590	08/10/2004	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/089,660	DASSI, FRANCESCO
	Examiner	Art Unit
	Theresa T Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 June 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 June 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/2002.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 1, line 9, it is unclear as to what is meant by 'a perfectly thorough hygiene'.

Line 11, 'a' should be inserted after 'as'.

Page 8, line 11, it is unclear as to what is meant by 'the manner how';

Line 12, it is unclear as to what is meant by 'made as flexible'.

Appropriate correction is required.

Claim Objections

Claims 26 and 28 are objected to because of the following informalities: claim 26, Line 2, 'continuos' should be replaced with 'continuous'. Claim 28, line 2, it is believed 'scrapers' should be replaced with 'scrapers'. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 5, it is unclear as to whether the receiving positions are present in the apparatus;

Line 7, generating an air steam to do what ?

Claim 20, line 2, 'the hair sucked by the suction arrangement' lacks proper antecedent basis.

Claim 21, line 1, 'the at least one rotating shaft' lacks proper antecedent basis.

Claim 22, line 1, 'rotating' should be inserted after 'second';

Line 1, 'capable of' should be inserted after 'are';

Line 3, 'suction' should be deleted.

Claim 24, line 1, it is unclear as to what is meant by the whip being 'flexible'; wouldn't the whip, by definition need to be flexible?

Claim 25, line 1, it is unclear as to what is meant by '...?'.

Claim 26, line 2, it is unclear as to the structural relationship of the reel with respect to the shaft.

Claim 27, line 2, it is unclear as to the structural relationship of the hubs with respect to the shaft.

Claim 29, line 1, 'wherein the apparatus has' should be replaced with 'further comprising';

Line 4, 'suction' should be deleted.

Claim 32, line 3, 'interacting with a safety switch' for what purpose?

Claim 33, line 2, 'collecting the hair' from where?

Claim 34, line 2, it is unclear as to what is meant by 'positioned corresponding to a position of the first whip'.

Claim 35, line 1, 'capable of'(or the like) should be inserted after 'motor'.

Claim 36, line 2, 'capable of'(or the like) should be inserted after 'motor'.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marquette.

Marquette discloses a first rotating shaft (fig. 2, #48).

Marquette discloses a plurality of whips extending from the shaft for passing through a receiving position (figs. 2-3, #50).

Marquette discloses a suction arrangement for generating an air stream (col. 3, lines 39-42).

Marquette discloses a first whip spaced from a second whip (fig. 3, #50). With respect to claim 20, Marquette discloses a collecting arrangement (fig. 2, #38).

With respect to claim 25, Marquette discloses the whip mounted (fig. 3, #50).

With respect to claim 29, Marquette discloses a containing box-shaped body (fig. 1, #12). Marquette discloses the body having an aperture for the whip to extend through (fig. 1, #26). Marquette discloses the body having aeration slits (fig. 2, #90).

With respect to claim 35, Marquette discloses a motor operating a fan and the shaft (col. 2, lines 45-48 and col. 4, lines 41-43).

Claim Rejections - 35 USC § 103

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 21-23, 30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquette as applied to claim 19 above, and further in view of McCoy.

Marquette discloses a similar apparatus however fails to disclose a second rotating shaft or an aperture at the top of a containing body.

McCoy discloses an apparatus for removing hair from a brush having two rotating shafts with a plurality of whips extending therefrom (fig. 5, #76,78). It would have been obvious to one of ordinary skill in the art to provide the second rotating shaft of McCoy in Marquette to allow for the most effective hair removal from a brush.

With respect to claim 22, McCoy discloses the shaft capable of rotating in opposite directions (col. 1, lines 25-26).

With respect to claim 23, McCoy discloses the two shafts separated by a distance substantially equal to a length of a whip (fig. 1, #76,78).

With respect to claim 30, McCoy discloses a containing box-like body with an aperture at a top side thereof (fig. 1). It would have been obvious to one of ordinary skill in the art to provide the aperture of Marquette in a top side, as disclosed in McCoy, to allow easier access by an operator.

With respect to claim 36, Marquette discloses a motor operating a fan and the shaft (col. 2, lines 45-48 and col. 4, lines 41-43). It would have been obvious to one of ordinary skill in the art to determine the most appropriate transmission arrangement in Marquette in view of McCoy to allow for the most effective rotating of the two shafts.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marquette as applied to claim 19 above, and further in view of Schroeder.

Marquette discloses a similar apparatus however fails to disclose the whips being flexible.

Schroeder discloses an apparatus for removing hair from a brush that has a rotating shaft with a flexible whip (col. 4, lines 55-65). It would have been obvious to one of ordinary skill in the art to provide the flexible whip of Schroeder in Marquette to allow the whips to flap against the ends of the bristles of a brush to remove loosened hair.

9. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquette.

Marquette discloses a similar apparatus however fails to disclose an extractable drawer or inspection door.

With respect to claim 33, it would have been obvious to one of ordinary skill in the art to provide an extractable drawer in Marquette to allow for ease in emptying the collecting container when it is full of hair.

With respect to claim 34, it would have been obvious to one of ordinary skill in the art to provide an inspection door in Marquette to allow a user to easily ensure that the apparatus is working properly.

10. Claims 19, 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over NL9300585.

NL9300585 discloses a similar apparatus however fails to disclose the spacing arrangement of the whips.

NL9300585 discloses a first rotating shaft, a plurality of whips extending from the shaft for passing through a receiving position and a suction arrangement (abstract). It would have been obvious to one of ordinary skill in the art to determine the most appropriate whip spacing in NL9300585 to allow for the most effective cleaning of a brush.

With respect to claim 25, NL9300585 discloses the whip mounted (abstract).

With respect to claim 35, NL9300585 discloses a motor operating a fan and the shaft (abstract).

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over NL9300585 as applied to claim 19 above, and further in view of Schroeder.

NL9300585 discloses a similar apparatus however fails to disclose the whips being flexible.

Schroeder discloses an apparatus for removing hair from a brush that has a rotating shaft with a flexible whip (col. 4, lines 55-65). It would have been obvious to

one of ordinary skill in the art to provide the flexible whip of Schroeder in NL9300585 to allow the whips to flap against the ends of the bristles of a brush to remove loosened hair.

Allowable Subject Matter

12. Claims 26-28 and 31-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

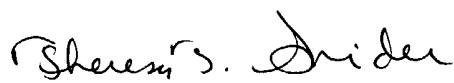
Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beuchamp and Kasper et al. disclose cleaning apparatus with flexible cleaning elements. Gundelfinger et al. and Rehberg disclose apparatus for removing hair from a brush with metal cleaning elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T Snider
Primary Examiner
Art Unit 1744

8/9/2004